



IT IS ORDERED as set forth below:

Date: December 12, 2011

A handwritten signature in black ink, appearing to read "W. Homer Drake".

**W. Homer Drake
U.S. Bankruptcy Court Judge**

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

IN RE:

SANDRA KIKEY MADRIGAL

Debtor.

CHAPTER 13

CASE NO. 11-13373-whd

SANDRA KIKEY MADRIGAL

Movant,

vs.

CONTESTED MATTER

SUNTRUST BANK.

Respondent.

**ORDER GRANTING DEBTOR'S MOTION TO DETERMINE SECURED STATUS OF
CLAIM AND RELEASE UNDERLYING LIENS OF PROPERTY**

The above matter came before the Court on November 17, 2011 on Debtor's Motion To

Determine Secured Status of Claim and Release Underlying Liens of Property (the "Motion")

[Docket No. 8]. Debtor seeks a determination that the second priority lien held by Suntrust Bank

(the “Lien”) on Debtor’s residence located at 697 Eagles Nest Circle, Carrollton, GA 30116 (the “Property”) is completely unsecured because, based upon the Property’s value and the amount of the first priority mortgage, there is no equity in the Property to which the Lien can attach. No party filed a response or otherwise appeared in opposition to Debtor’s Motion; therefore, it is hereby

ORDERED that Debtor’s Motion is granted as provided herein; it is

FURTHER ORDERED that, for purposes of the Debtor’s chapter 13 case, the claim of Suntrust Bank related to the Lien Claim No. 2-1 shall be treated as a general non-priority unsecured claim; and it is

FURTHER ORDERED that, effective upon entry of discharge in the Debtor’s Chapter 13 case, the Lien of Suntrust Bank evidenced by a security deed recorded in the Superior Court of Carroll County at Deed Book 2413, Page 302, shall be avoided without further order pursuant to 11 U.S.C. section 506(d); provided, however, that the Court reserves jurisdiction to consider if appropriate the avoidance of Respondent’s Lien prior to entry of a discharge under 11 U.S.C. section 1328(a). In the event the Debtor’s case is dismissed or converted to chapter 7, the Lien of Respondent shall not be affected by this Order in accordance with 11 U.S.C. sections 349(b)(1)(C) or 348(f)(1)(B) as applicable.

END OF DOCUMENT

[SIGNATURES ON FOLLOWING PAGE]

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